

IN THE HIGH COURT OF LESOTHO

In the matter between:

REX

Vs

LEBOHANG POSHOLI

Review Case No. 29/ 2011  
Review Order No. 7/ 2011

CR 12/ 2011  
Mohale's Hoek District

ORDER ON REVIEW

The accused in this case is an adult male of about 35 years. He was found guilty on his own plea and sentenced to 3 years without an option of a fine. The matter is before this Court on automatic review. He was charged with housebreaking with intent to assault and assault.

The Prosecutor accepted the plea of guilty and outlined the evidence that on 9<sup>th</sup> January 2011 at around 2am complainant was asleep with her daughters at her home when she heard her window open.

She woke her children up and told them to shout for help. A person entered the bedroom. He was covered in a blanket and he ordered them to keep quiet. He then started hitting them with a stick. Complainant decided to turn off the light to

confuse the intruder, but he used a cellphone to light up and pursued the complainant. She tried to hide behind a table, but he pulled it away. There was a lot of noise and commotion in the house. In a while people started gathering outside.

The villagers then surrounded the house and two men entered. They put on the light and found the culprit to be accused, Lebohang Posholi.

The accused was apprehended and the matter was then reported to the chief and the police. He was then arrested and charged.

The accused agreed with the outline and was found guilty as charged. The Court asked accused if he knew complainant and he answered that he did because they live in the same village. As to why he would break into somebody's house and start assaulting them and pursue them as he did even when they tried to run away accused responded that he had gone to a feast during the day and got himself so drunk that he did not know what he was doing.

The Magistrate considered the offence to be an unwarranted and vicious attack on complainant and her children in the safety of their home. The actions of accused appeared to be

conscious and deliberate and he clearly know what he was doing.

The sentence of three years without an option of a fine was held to be appropriate after taking all factors into account.

I confirm both conviction and sentence on review. The proceedings are certified to be in accordance with real and substantial justice.

---

L. A. MOLETE  
ACTING JUDGE

28 July, 2011

CC: All Chief Magistrates  
All Magistrates  
Magistrate Mohale's Hoek  
All Public Prosecutors  
O/ C Police Mohale's Hoek  
O/ C Prison Mohale's Hoek  
CID – Mohale's Hoek  
Director of Public Prosecutions